

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

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S OFFICE  
600 JUN 10 P 3:10  
U.S. DISTRICT COURT  
MASSACHUSETTS

UNITED STATES OF AMERICA, ) CRIM. NO. 04-30032-MAP  
 )  
 )  
vs. )  
 )  
 )  
FRANK KEOUGH, )  
 )  
 )  
Defendant. )

FINAL JOINT MEMORANDUM PURSUANT TO LOCAL RULE 116.5(A)

The United States of America, by and through Michael J. Sullivan, United States Attorney for the District of Massachusetts, and William M. Welch II, Assistant United States Attorney, hereby files this initial joint memorandum pursuant to Local Rule 116.5(A) and the Magistrate Judge's Scheduling Order.

1. There are no outstanding discovery issues not yet presented.
2. The Government does not anticipate providing additional discovery.
3. The defendant does not intend to raise a defense of insanity or public authority.
4. The Government has not requested notice of alibi. However, the defendant does not intend to raise a defense of alibi to the current charges.
5. The defendant may file substantive motions that will require rulings by the court.

6. A schedule should be set for substantive motions. Time under the Speedy Trial Clock should be tolled from the date of the status conference through the filing of the motions to provide the defendant ample time to research, draft, and submit his motion. This request takes into consideration the due diligence of the party and would be in the interests of justice.

7. The defendant and the Government have had no plea negotiations.

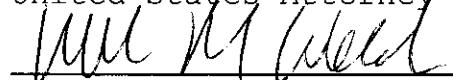
8. Excludable delay should be ordered under 18 U.S.C. §§ 3161(h)(1)(F), 3161(h)(8)(A) and Local Rules 112.2(A)(1), (2), and (3). Fifty days remained on the Speedy Trial Clock as of the date of the last status conference, which was May 12, 2005. The court ordered the time excluded from May 12, 2005 through June 13, 2005 so that defense counsel could have time to prepare and file discovery motions. Therefore, fifty days still remain on the Speedy Trial Clock as of June 13, 2005, meaning that the case must be tried by August 2, 2005.

9. The parties believe at this point that a trial should be anticipated.

Filed this 10th day of June, 2005.

Respectfully submitted,

MICHAEL J. SULLIVAN  
United States Attorney

  
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MICHAEL J. SULLIVAN

WILLIAM M. WELCH II  
Assistant United States Attorney

For defendant Frank Keough:

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JACK ST. CLAIR, ESQ.

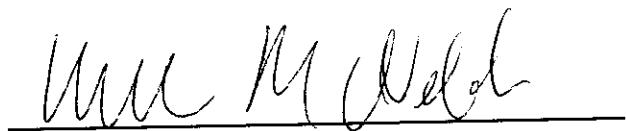
CERTIFICATE OF SERVICE

Hampden, ss.

Springfield, Massachusetts  
June 9, 2005

I, William M. Welch, Assistant U.S. Attorney, do hereby certify that I have served a copy of the foregoing by fax upon:

Jack St. Clair, Esq.  
73 Chestnut Street  
Springfield, MA 01103

  
WILLIAM M. WELCH II  
Assistant United States Attorney